

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)	CASE NO. 1:06CR338
)	
Plaintiff,)	JUDGE JAMES S. GWIN
)	
v.)	
)	
LUIS RAMOS,)	
)	
Defendant.)	<u>FINAL ORDER OF FORFEITURE</u>

It appears to the Court that proper proceedings for the issuance of a Final Order of Forfeiture, as to the below-referenced firearm, have been had in this case as follows:

1. On July 6, 2006, a federal grand jury sitting in this district returned a 60 count indictment against Luis Ramos and 23 co-defendants. Count 1 of the indictment charged defendant Ramos with conspiring to possess with intent to distribute and to distribute five (5) kilograms or more of cocaine and marijuana, in violation of 21 U.S.C. § 841(a)(1), § 841(b)(1)(A), and § 846.

2. Pursuant to 21 U.S.C. § 853, the indictment further sought the forfeiture to the United States of "any and all property constituting, or derived from, any proceeds [the

defendants] obtained, directly or indirectly, as the result of [Count 1]; [and] any and all of their property used or intended to be used, in any manner or part, to commit or to facilitate the commission of [Count 1];" including the following:

a.) Smith & Wesson .38 caliber handgun, Serial Number V237638/89483 [LUIS RAMOS].

3. On November 2, 2006, defendant Ramos entered a plea of guilty to the charge set forth in Count 1 of the indictment.

4. Also as part of his plea agreement:

a.) Pursuant to 21 U.S.C. § 853, defendant Ramos agreed to the forfeiture of the firearm identified in paragraph 2(a), above.

5. By the Preliminary Order of Forfeiture, dated December 6, 2006 [Dkt. No. 389], the firearm identified in paragraph 2(a), above, was forfeited to the United States under 21 U.S.C. § 853 for disposition in accordance with law, subject to the provisions of 21 U.S.C. § 853(n).

6. Under 21 U.S.C. § 853(n), third parties asserting a legal interest in initially forfeited properties are entitled to a judicial determination of the validity of the legal claims or interests they assert.

7. The United States published notification of the Court's Preliminary Order of Forfeiture in the Cleveland Daily Legal News. Said published notice advised all third parties of their

right to petition the court within thirty (30) days of the final publication date for a hearing to adjudicate the validity of their alleged legal interest in the initially forfeited firearm. Attached hereto as Exhibit 1 is a copy of the notice.

8. By an Agreement attached hereto as Exhibit 2, Sandra Genao (a potential third party claimant) consented to the forfeiture of the firearm identified in paragraph 2(a), and agreed not to contest its forfeiture pursuant to 21 U.S.C. § 853(n).

9. Excepting Sandra Genao, no third party has made any claim to, or declared any interest in, the initially forfeited firearm.

Accordingly, it is hereby ORDERED, ADJUDGED, and DECREED:

10. The following firearm is finally forfeited to the United States, and no right, title or interest shall exist in any other party:

a.) Smith & Wesson .38 caliber handgun, Serial Number V237638/89483.

11. The United States shall seize and take control of this firearm, and shall dispose of it in accordance with law.

SO ORDERED this 13th day of February, 2007.

s/ James S. Gwin

James S. Gwin
United States District Judge